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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Pramod K. Srivastava

Confirmation No.: 8697

Application No.: 09/657,722

Group Art Unit: 1642

Filed: September 8, 2000

Examiner: Yaen, Christopher H.

For: PEPTIDES FROM STRESS
PROTEIN-PEPTIDE COMPLEXES

Attorney Docket No.: 8449-115-999
(CAM No. 708584-999114)

INTERVIEW SUMMARY RECORD

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to MPEP section 713.04, Applicant submits the following statement of the substance of the telephonic interview held on February 11, 2004 ("the Interview") between Primary Examiners Christopher H. Yaen and Gary Nickol, Technology Center 1600 Quality Assurance Specialist Brian Stanton, and Applicant's representatives Adriane M. Antler, Lynda Nguyen, and Lauren C. Foster in connection with the above-identified application.

During the Interview, the substance of the Advisory Action dated August 20, 2003 (Paper No. 14) was discussed. The written description requirement of 35 U.S.C. § 112, first paragraph, and the prior art rejection under 35 U.S.C. § 102(b) were discussed as they pertain to product-by-process claims (*i.e.*, claim 19 in the instant application). Dr. Antler argued that claim 19 is a product-by-process claim, and that a product-by-process claim, which is a product claim that is defined in terms of the process by which it is made, is proper. Dr. Antler cited MPEP section 2173.05(p) and supporting case law (references cited in Applicant's Reply Under 37 C.F.R. 1.111, dated November 20, 2003). Dr. Stanton remarked

that claim 19, as written, was quite broad in its scope and thus the rejections should be maintained. Dr. Stanton suggested that claim 19 might be allowable if the recited process was further limited.

Applicant respectfully requests that the above statement be made of record in the above-identified application.

Respectfully submitted,

Date March 17, 2004

Adriane M. Antler 32,605
Adriane M. Antler (Reg. No.)

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